

REMARKS/ARGUMENTS

Claim Amendments

The Applicant has amended claims 1-2, 8, 11, and 17-22; no claims have been canceled or added. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-22 remain pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 102(b)

Claims 1, 5-6, 9-10, 14-16, 19 and 22 stand rejected under 35 U.S.C. 102(b) as being anticipated by Ludwig et al. (EP 0948168 A1). In response, the Applicant has amended independent claim 1 to incorporate the additional step of storing the selected window size together with an indication of the determined estimation of pipe capacity, or a predefined range of pipe capacities comprising the estimation of pipe capacity of the connection, a limitation previously found in claim 2. Analogous amendments have been made to independent claims 19 and 22. Claims 5-6, 9-10, and 14-16 depend from claim 1 and are therefore also distinguishable from Ludwig by virtue of the amendment. For this reason, the Applicant respectfully suggests that this ground for rejection has been overcome. (Applicant below traverses the rejection of claim 2 on other grounds.)

Claim Rejections – 35 U.S.C. § 103 (a)

Claims 2 and 17-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ludwig et al in view of Blanco et al. (US 6,249,530B1). As mentioned above, by virtue of amendments made to them, the independent claims are implicated here as well. Applicant respectfully traverses this rejection.

Initially, it is emphasized that the present invention is directed to a method for selecting a window size (claim 1) and to apparatus for implementing this method (claims 19 and 22). Each of these independent claims has been amended to recite that the window size is selected to fall within a threshold based on a determined estimation of pipe capacity associated with a given communication path: the pipe capacity being

calculated from (at least) a round trip time associated with the connection and the bit rate of a link along the path. When a window size has been selected, as recited in the claims, it is stored along with the determined estimate of pipe capacity.

As acknowledged in the Office Action, Ludwig does not disclose this limitation. Nor, Applicant respectfully asserts, is the limitation disclosed in Blanco.

In contrast to the present invention, Blanco teaches a relative, or differential, approach providing successive recalculation of the current window size based on a prior window size without having to determine a round trip time for each calculation (see *Blanco*, col. 3, lines 39-44). This is accomplished by assuming the round trip time to remain relatively constant over an interval (col. 7, lines 1-14). The Blanco calculation involves calculating a new window as the product of the former window size and a ratio of desired to actual used bandwidth (see, Abstract; col. 8, lines 40-51). The desired bandwidth value is chosen or calculated using an "appropriate technique" (col. 9, lines 53-60). The actual used bandwidth is the difference between the number of acknowledgments received at the beginning and end of a given interval. Whether either of these values (actual used bandwidth or desired bandwidth) is stored, however, is not material here. Neither of them is the "estimation of pipe capacity" determined from a link bit rate and a round trip time as recited in the independent claims of the present invention. Nor, strictly speaking, are the desired or actual used bandwidth values stored "together with" a selected window size; they are simply placed in registers for use in the calculation described above. In other words, as used in describing the present invention, "pipe capacity" has a clearly defined meaning and is not simply a generic term for any traffic flow or measurement.

Again, Blanco discloses a successive recalculation approach to arrive at a proper window size; the present invention is directed to a method (and apparatus) where successive recalculations are not necessary, e.g., where a new or re-started connection exhibits the same determined estimation of pipe capacity. The present invention is advantageous where the factors used for calculating pipe capacity (link bit rate and round trip time) are subject to fluctuation. In any event, Blanco does not teach or suggest the elements acknowledged to be missing from Ludwig.

For these reasons, Applicant respectfully submits that this ground for rejection has been overcome, both with regard to amended independent claims 1, 19, and 22, and also with regard to amended claims 2, 17, and 18, which remain dependent from claim 1.

Claims 3-4 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ludwig et al in view of Kamath et al (US 7,237,007). In response, and without traversing or acquiescing in this ground for rejection, Applicant states that claims 3-4 and 7 depend from amended claim 1 and are therefore distinguishable from the cited prior art for that reason. In this regard, it is noted that Kamath was not cited for containing, nor does it teach or suggest the novel features described above. For this reason, Applicant respectfully suggests that this ground for rejection has also been overcome.

Claim 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ludwig et al in view of Chapman et al (US 6,493,316B1). In response, and without traversing or acquiescing in this ground for rejection, Applicant states that claim 8 depends from amended claim 1 and is therefore distinguishable from the cited prior art for that reason. In this regard, it is noted that Chapman was not cited for containing, nor does it teach or suggest the novel features described above. For this reason, Applicant respectfully suggests that this ground for rejection has also been overcome.

Claims 11-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ludwig et al in view of Aweya et al (US 6,990,070B1). In response, and without traversing or acquiescing in this ground for rejection, Applicant states that claims 11-13 depend from amended claim 1 and are therefore distinguishable from the cited prior art for that reason. In this regard, it is noted that Aweya was not cited for containing, nor does it teach or suggest the novel features described above. For this reason, Applicant respectfully suggests that this ground for rejection has also been overcome.

Finally, claims 20 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ludwig et al in view of Kamath et al (US 7,237,007B2) as applied to claim 18 above, and further in view of Blanco et al (US 6,249,530B1). In response, and without traversing or acquiescing in this ground for rejection, Applicant states that claims 20 and 21 depend from amended claim 19 and are distinguishable from the cited prior art for that reason. In this regard, it is again noted that Kamath was not cited for containing, nor does it teach or suggest the novel features described above. For this reason, Applicant respectfully suggests that this ground for rejection has also been overcome.


Therefore, the allowance of claims 1-22 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,


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